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BY HAND DELIVERY

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W., Suite 814
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Suite 832
Washington, DC 20554

Commissioner Jams H. Quello
Federal Communications Commission
1919 M Street, N.W., Suite 802
Washington, DC 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W., Suite 844
Washington, DC 20554

Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W., Suite 826
Washington, DC 20554

Re: Ex Parte Presentation in MM Docket No. 93-48:
Policies and Rules Concerning Children's Television Programming

Dear Chairman Hundt and Commissioners Quello, Barrett, Ness and Chong:

I am a researcher, who has been studying children's television practices and how children make sense of TV since the early 1970s. In previous years, I have filed comments on other children's television issues that have come before the Commission. Today, I would like to offer my comments on the various studies that have been submitted to the Commission, which examine how the industry has responded to the Children's Television Act of 1990. As I understand from both the national press and from reading the specific studies, there is some difference in findings regarding the extent to which the broadcast industry has or has not complied with the Children's Television Act of 1990. As a scholar and researcher in this area, I am writing to offer my modest efforts to help clarify the differences across these studies and to suggest further information the Commission might consider in evaluating the somewhat conflicting information.

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Specifically, I would like to comment on the report of Richard V. Ducey and Mark R. Fratrik, "The 1990 Children's Television Act: A Second Look on Its Impact," a report of the National Association of Broadcasters submitted to the Commission on October 16, 1995; the comments of Dr. Dale Kunkel regarding his study of broadcasters response to the Act, a study by Dale Kunkel and Ursula Goette entitled: "Broadcasters Response to the Children's Television Act," submitted to the Commission on October 16, 1995; and a report of Fox Broadcasting affiliates programming for children submitted to the Commission as a letter on October 26, 1995 by Preston R. Padden, Margaret Loesch, Patrick Mullen, and Stuart Powell.

When looking at these three studies, two differing views develop regarding the extent to which broadcasters have responded to the Children's Television Act. On the one hand, Dale Kunkel suggests in his study of 48 randomly selected station's license renewal files from 1995, that while stations claim to provide 3.4 hours a week of educational programming, but that this average varies greatly across stations. His studies show stations in the 25 largest markets averaged only 2.1 hours per week of educational programming, while stations in smaller markets claim to deliver as much as 5.1 hours of educational programming per week. Further, he asserts that one in ten stations failed to claim any programming specifically designed to educate children. He further asserts that stations continue to claim programs of questionable educational value such as *America's Funniest Home Videos*, *Mighty Morphin Power Rangers*, and *Yogi Bear*. In short, his data lead to the interpretations that by and large, broadcasters are not meeting their commitment to provide adequate educational programming for children.

On the other hand, the Fox Broadcasting Company provides evidence from their affiliates, in their letter to the Commission, that a survey of their 137 Fox affiliated stations in 1995, found these affiliates are providing a minimum of 3 hours a week of children's television with a range of between 3 to 8 hours per week. Approximately 30 percent of the affiliates responding, present 4.5 or more hours of programming per week, and approximately 15 percent, air 5 or more hours per week. Similarly, the NAB report by Ducey and Fratrik report that as of fall 1994, overall, broadcasters in the United States were providing on average over 4 hours of regularly scheduled, that is full-length thirty minutes or more, educational or informational children's programs. This study is based on a survey of all NAB broadcasters with a response rate of 60 percent of broadcasters responding.

In short, if one looks at both the Fox and NAB studies, one concludes that broadcasters are currently fulfilling, both in time and content, the intent of the Children's Television Act of 1990. On the other hand, if one looks at the data provided by Kunkel and Goette, one would conclude that not all broadcasters are fulfilling their commitment. How should one view these two studies?

First, let me say that the Fox report is the most complete report and provides not only statistical analyses of their 137 networks, but provides detailed statements about the specific market, the specific station, and the specific hours and names of the educational programs that they list as educational or informational programming. In

this case both *Fox Club House* and *Carmen Sandiego* are well known educational and informational programs for both preschool and school age children. In this sense, the FCC might consider trusting the Fox report as the most complete evidence to substantiate the claim that Fox affiliate stations are indeed providing on average a minimum of 3 hours a week of educational or informational programming for children.

On the other hand, both the Kunkel and NAB studies are studies about which the FCC should request more information. In the case of the Kunkel study, there are two kinds of information that might be considered. First, while I am not questioning the accuracy of the data reported on the 48 stations whose license renewal applications were sampled, I would like to know other information about the representativeness of these stations in this geographic area in order to discern the representativeness of the sample. Representativeness, and not just size, is important in determining the extent to which all stations in large markets meet programming fewer than 3 hours per week of children's educational or informational content. Second, one would ask that the Kunkel study provide, much as the Fox station provided, information station by station regarding the number of hours and the specific programs that were offered as meeting the educational programming commitment. For instance in Table 2, which lists all the program titles of regularly scheduled, standard length educational programming specifically designed for children, and reported by the stations studied, one would ask to see the frequency with which each educational program is mentioned across the sample, in order to discern the frequency with which stations mention programs of questionable educational value. This would give us a better sense of the extent to which the stations in different sized market who are not Fox affiliates are complying or not complying with the intent of the Children's Television Act of 1990.

The first question that one would ask about the NAB study is which stations did and did not respond to the query? Even with a 60 percent sample, one is concerned about response bias. Are only those stations that are programming children's television reporting? We don't know by the nature of how they compiled the sample, if this is a true random sample or a self-selected sample that would have some bias. Secondly, we need to know the specific kinds of shows that are being offered by the individual stations as meeting their educational and informational commitment. Again, this study does not allow us to discern, as the Fox study does, whether these programs are *America's Funniest Home Videos* or *Beakman's World*, for instance. In short, the NAB study is difficult to assess. On the basis of this report we do not know how the 60 percent sample of stations differs from the 40 percent that did not respond and whether the non-response is due to some sort of self-selection whereby only those stations who are providing children's educational and informational programming are likely to respond. Further, in the absence of information about the specific programs that were nominated by the broadcasters as fulfilling their educational and informational programming, we do not know whether these are legitimate programs that would meet this requirement or not. As in the Fox report, a station by station listing of programs offered as meeting the Children's Television Act requirements is needed in order to assess how well all stations are doing.

In short, I would like to suggest to the Commission that the Fox study is perhaps the most complete report. It suggests that Fox broadcasters are indeed providing, on average, a minimum of 3 hours a week of children's educational and informational programming. The Kunkel study provides us evidence to suggest that stations are still nominating shows that do not meet the intent of the Children's Television Act of 1990, but it is difficult to discern the frequency with which this is occurring. Lastly, the NAB study has problems: it is a potentially non-representative sample of stations and moreover, it provides us with little information about the specific programs that are offered to meet the intent of the Children's Television Act. More complete information, from both the Kunkel study and NAB study, would allow the FCC to give a better assessment of the degree to which broadcasters are complying with the Children's Television Act of 1990, and whether further Commission action is needed.

I hope that my comments are helpful as you deliberate your policy regarding the Children's Television Act of 1990. I would be happy to provide any further information you would like as you consider the information that has been presented to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Wartella", with a stylized flourish at the end.

Ellen A. Wartella
Dean and
Walter Cronkite Regents Chair
in Communication

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